

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

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Investigation by the Department of Telecommunications and )

Energy on its own motion pursuant to G.L. c. 159, §§12 and 16, ) D.T.E. 01-34

into Verizon New England Inc., d/b/a Verizon Massachusetts' )

provision of Special Access Services. )

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PETITION OF CONVERSENT COMMUNICATIONS OF

MASSACHUSETTS, LLC TO EXPAND SCOPE OF PROCEEDING

Conversent Communications of Massachusetts, LLC ("Conversent") hereby petitions the Department of Telecommunications and Energy (the "Department") to expand the scope of its investigation into Verizon's provision of special access services to include Verizon's provision of high capacity unbundled loops. As grounds for its petition, Conversent states as follows:

1. Conversent is authorized to provide local, intraLATA and interLATA services in Massachusetts. Conversent competes with Verizon New England, Inc., d/b/a Verizon Massachusetts ("Verizon") in the provision of local and intraLATA telecommunications services in Massachusetts.

2. Conversent purchases a number of special services from Verizon. Among such special services, Conversent purchases a substantial volume of high capacity unbundled loops, particularly DS-1 loops. Conversent needs nondiscriminatory and commercially reasonable access to high capacity loops in order to provide advanced services to its customers.

3. Verizon's Wholesale Tariff in Massachusetts ("DTE Tariff 17") specifies that unbundled DS-1 loops that are ordered in quantities of nine (9) or less will be made

Untitled

available CLECs within six (6) days. Unfortunately, Verizon routinely misses the six (6) day intervals in its DTE Tariff 17 tariff. Conversent has had great difficulty in obtaining commercially reasonable intervals from Verizon on a consistent basis and has informally complained about this matter to the Department.

4. Verizon's inability to meet its six (6) day interval for installing unbundled DS-1 loops makes it very difficult for Conversent to compete in the market place for advanced services. Conversent is not able to tell its own customers with any reasonable certainty when it is that they will be able to receive service.

5. The FCC has recognized that high capacity loops have basically the same essential characteristics of regular loops: they transmit a signal from the central office to the subscriber, or vice versa. In a DS-1 loop, for example, the attached electronics boost the wire's capacity, but the wire facility used for the transmission used of the traffic is indistinguishable from any other copper wire. (1) In ruling that ILECs are required to provide access to DS-1 loops, the Commission was attempting to promote the deployment of advanced services as follows:

"We continue to believe that access to these high capacity lines is necessary for ubiquitous deployment of high speed services, including high speed internet access. We therefore agree with competitive LECs that failing to assure access to high capacity loops would impair their ability to provide the services that they seek to offer in broadband service markets." (2)

It is not enough that CLECs such as Conversent have a legal right to obtain access to high capacity loops. Rather, it is imperative that Verizon be required to meet commercially reasonable intervals, such as six (6) days, for DS-1 loops. If CLECs can not depend on Verizon for date certain, reasonable intervals, there will be no competitive level playing field for advanced services in Massachusetts.

6. It is worth noting, that in Texas, SBC's Carrier to Carrier Metrics include Performance Measurement 56, which provides a standard interval of three (3) days for orders with 1- 10 loops; seven (7) days for orders with 11-20 loops; and ten (10) days for orders with over 20 loops. SBC's performance is satisfactory to the extent it meets these measurements at least 95% of the time. Attached to this Petition is Exhibit 1 is a copy of SBC's Performance Measurement 56.

7. The high capacity loops (DS-1s) that Conversent purchases under Verizon's D. T. E. 17 Tariff are technically the same facilities as the DS-1s described in Verizon's Access Tariff, which are the subject of this investigation.

8. Conversent urges the Department to insure the development of a competitive market for advanced services by expanding the scope of this investigation to include

Un tiled  
Veri zon' s provi si oni ng of unbundl ed hi gh capaci ty l oops.

Respectfully submi tted,  
Conversent Communi cati ons of Massachusetts, LLC  
By i ts attorneys,

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Scott Sawyer  
Conversent Communi cati ons of Massachusetts, LLC  
222 Ri chmond Street, Sui te 301  
Provi dence, RI 02903  
(401) 490-6377 (v)  
(401) 272-9751 (f)

Dated: March 30, 2001

#### CERTI FICATE OF SERVICE

I hereby certify that on this day, served the foregoing upon each person designated on the attached service list by ei ther first class mail, postage prepaid or by overni ght couri er.

1 See, UNE Remand Order, Paragraph 176.

2.

2 Id.